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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,283	11/17/2000	Kenya Uomori	0819.458	5525

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EXAMINER

GOOD JOHNSON, MOTILEWA

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/714,283

Applicant(s)

UOMORI ET AL.

Examiner

Motilewa A. Good-Johnson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: _____

DETAILED ACTION

1. This office action is responsive to the following communications: Application, filed 11/17/2000; IDS, paper #3, filed 06/24/2002.
2. Claims 1-20 are pending in this application. Claims 1, 10 and 18-20 are independent claims. Claims 1-18 were elected.
3. The present title of this application is "Image Processor, Method of Providing Image Processing Services and Order Processing Method" (as originally filed).

Election/Restrictions

4. Applicant's election of Group I claims 1-18 in Paper No. 5 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
5. Claims 19 and 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5.

Priority

6. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 2, 5-13 and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Burke, U.S. Patent Number 6,304,855 B1, "Computer System for Allowing a Consumer to Purchase Packaged Goods at Home", class 705/27.

As per independent claim 1, an image processor comprising: a display for presenting an image of an object thereon; (Burke discloses a three-dimensional modeling and display system of three-dimensional objects and images, col. 2, lines 50-59) and an image synthesizer for generating a scale image, representing a substantially real size, at a position specified on the image presented on the display in accordance with three-dimensional positional information . . . (Burke discloses generating three-dimensional models from the size and location information of a space management system, col. 2, lines 45-60) wherein a synthesized image, obtained by combining the scale image with the object image, is presented . . . (Burke discloses generating, i.e. synthesizing, by combining the obtained image and the generated three-dimensional models on display, col. 2, lines 45-59)

With respect to dependent claim 2, an imaging section for capturing the object image containing the three-dimensional positional information; (Burke discloses an image capture station, col. 4, lines 28-29; and discloses a three-dimensional description, col. 4, lines 45-47) and a range image generator for drawing the three-dimensional positional information from the image captured . . . image synthesizer generates the scale image in accordance with the three-dimensional positional information . . . (Burke discloses a video display generator including a three-dimensional modeling system that allows for the creation, display and manipulation of three-dimensional objects, col. 6, lines 28-45)

With respect to dependent claim 5, the scale image represents a shape of a ruler. (Burke discloses products organized, as they would appear on a shelf in an actual store, col. 5, lines 37-38, therefore it is inherent that store sell rulers and therefore, a ruler would be included as a scale image presented as a product for sale in a store)

With respect to dependent claim 6, input means that is so constructed as to allow a user to externally input the specified position. (Burke discloses a system, which allows a person to design the layout from scratch, col. 4, lines 65 – col. 5, line 4)

With respect to dependent claim 7, input means is a touch panel . . . (Burke discloses input device as a touch screen, col. 5, lines 54-55)

With respect to dependent claim 8, input means is a pen like pointing device . . . (Burke discloses the input device may be any input device for a computer, col. 5, lines 53-55)

With respect to dependent claim 9, input means is a cursor key, mouse or press button that allows the user to move a cursor presented on the display . . . (Burke discloses a mouse, keyboard, or other input device for a computer, col. 5, lines 53-55)

As per independent claim 10 and dependent claims 13, they are rejected based upon similar rational as above independent claim 1 and dependent claim 2 respectively.

With respect to dependent claim 11, image synthesizer combines the image of one of the objects, . . . with another background image. (Burke discloses combining the object with the backboard information, col. 8, lines 25-37 and further discloses the object may be taken off the shelf and put into a shopping cart, and therefore giving the image another background image, col. 11, lines 33-51)

With respect to dependent claim 12, image synthesizer cuts out an image portion, which is made up of pixels at respective locations . . . as the separated object image . . . (Burke discloses a product, image, may be taken off the shelf for a close-up view and the images of the back and side panels are pasted to the image, and after the produce, image, is put back on the shelf the side faces are removed, i.e. cut, col. 10, lines 65 – col. 11, line 30)

With respect to dependent claim 16, image synthesizer is so constructed as to upscale, downscale or rotate at least one of the images. (Burke discloses the consumer may manipulate the image to view in more detail, i.e. scale, or rotate the image, col. 2, lines 39-42)

With respect to dependent claim 17, processor . . . constructed as to allow a user to externally defined or change relative positions of the images being combined. (Burke

discloses a microprocessor, col. 6, line 15; and discloses consumer may manipulate what is being viewed on the display to, col. 6, lines 46-55)

As per independent claim 18, an image processor comprising: a display for presenting an image of an object thereon and an image synthesizer for generating an image, (Burke discloses a three-dimensional modeling and display system of three-dimensional objects and images, col. 2, lines 50-59) representing the object substantially in its real size when presented on the display, (Burke discloses products organized, as they would appear on a shelf in an actual store, i.e. real size, col. 5, lines 37-38) by scaling the image up or down in accordance with three-dimensional positional information . . . (Burke discloses the consumer may manipulate the image to view in more detail, i.e. scale, or rotate the image, col. 2, lines 39-42)

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3, 4, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burke, in view of Parghi et al., U.S. Patent Number 6,396,495 B1, "Producing Image Data in a Virtual Set", class 345/426, 05/28/2002, filed 04/01/1999.

With respect to dependent claim 3, imaging section comprises light-emitting means for projecting light with a predetermined radiation pattern on the object and captures the object image containing the three-dimensional positional information by receiving part of the light . . .

Burke discloses using a digital video camera as part of the capture station to obtain high-resolution digital images of every object, col. 4, lines 37-45. However, it is noted that Burke fails to disclose projecting light with a pattern on the object and capturing the object image by receiving part of the light. Parghi et al. discloses a spotlight which supplies positional information to a processing system which also receives positional data and real image data from a camera to generate a composite image with the virtual lighting and real lighting, col. 11, lines 1-55. It would have been obvious to one of ordinary skill in the art at the time of the invention to include light-emitting means and receiving part of the light information, as disclosed by Parghi, to be included in the image capture information, as disclosed in Burke, to generate an accurate composite image because objects in a real environment and a generated image environment are known to have associated light sources.

With respect to dependent claim 4, further comprising an imaging section having an automation or manual focusing controller, wherein the image synthesizer generates the scale image by using data, which represents a distance of the object . . . obtained by the automatic or manual focusing . . . Burke discloses obtaining image from a capture station using a digital video camera, col. 4, lines 36-38. However, it is noted that Burke fails to disclose automatic or manual focusing. Parghi discloses a

cameraperson calibrating the camera, thus providing manual focusing, figure 18, and discloses receiving the positional information from the camera, col. 8, lines 17-30. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a manual focus camera and positional information obtained from the camera, as disclosed by Parghi, in the image capture station video camera, as disclosed in Burke, to show how the image capture information is provided for the real image, with positional information as well as focus information, to generate a composited image from the three dimensional information.

With respect to dependent claims 14 and 15, they are rejected based upon similar rational as above dependent claims 3 and 4.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,556,243 B1	Dotosubo et al.	348/231.2	04/29/2003	06/12/1998
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Digital camera.

6,552,744 B2	Chen	348/218.1	04/22/2003	09/26/1997
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Virtual reality camera.

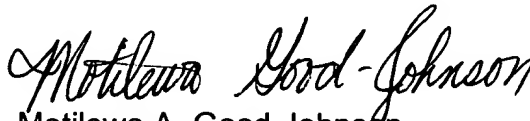
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa A. Good-Johnson whose telephone number is

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(703) 305-3939. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on (703) 305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.


Motilewa A. Good-Johnson
Examiner
Art Unit 2672

Mgj
May 16, 2003